

# **FACSIMILE TRANSMISSION COVER SHEET**

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**AUG 08 2006**

**August 8, 2006  
(2<sup>nd</sup> Copy, 1<sup>st</sup> Copy was Faxed July 19, 2006)**

**Application/Control Number: 09/856,228**

**Art Unit 3722   Applicant: Linden, Craig L**

**Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
Alexandria, VA 22313-1450**

**From: Craig L. Linden, Inventor, Applicant and  
and Petitioner/Requestor**

**Re: Request to Withdraw the  
Holding of Abandonment received May 26, 2006  
Under 37 CFR 1.181(a)**

**Craig L. Linden  
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# Request/Petition to Withdraw Holding of Abandonment (37CFR 1.181.a)

Application Number: 09/856,228

Applicant: Linden, Craig L.

Examiner: Jamila O. Williams

Art Unit: 3722

August 8, 2006 (second copy)

Faxed to Mail Stop Petition

Note: First Faxed to Mail Stop Issue Fee on July 19, 2006 (fax proof available)

Attention: Office of Petitions

I, Craig L. Linden, Applicant and Inventor, respectfully request the USPTO withdraw the May, 2006 Notice of Abandonment, which I received on May 26, 2006, for at least the following reasons:

1. My May 15, 2005 proposed reply was timely (total of 3 months extension of time petitioned with fees paid). There was no notice of any kind from the examiner that she felt the reply did not constitute a proper reply until I received the May, 2006 Notice of Abandonment (more than a year later). I made several attempts to discuss the May 15, 2005 reply with Examiner Williams. The last phone conversation with Examiner Williams, following my May 15, 2005 reply, was very short, in which she advised that she was overworked. She set up a specific hour and day of the next week that she would be available for an interview. I told her that I was concerned of time deadlines, and she assured me not worry, because the duty to respond was now in her hands.

Living on West coast, I got up early and called on the minute of hour and on that appointed day but her voice mail said she was unavailable. I repeated those calls several times, each time leaving a message for her to please return my calls or otherwise provide a new time and day when I could reach her.

Finally, after an extended period of failing to reach Examiner Williams, I called her Supervisor, Derris Banks, and followed up the call with my June 22, 2005 letter (see attached letter). I complained of the lack of assistance from Examiner Williams, the difficulty of reaching her, the long time period since applying and I pleaded for personalized help and more time to prosecute my application. I did not hear from Supervisor Banks, and after waiting for months, I tried to call him again -- only to learn he was no longer Examiner William's supervisor.

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**Request/Petition to Withdraw Holding of Abandonment**

**Application Number: 09/856,228**

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**Examiner: Jamila O. Williams**

**Art Unit: 3722**

**Date Faxed to USPO: July 19 & August 8, 2006**

Boyer Ashley became Examiner Williams' supervisor, and I called Supervisor Ashley beginning February 9, 2006, and over the past several months, spoke with him several times. Supervisor Ashley reviewed my file and said he spoke with Supervisor Banks about my June 22, 2005, letter and about my case and May 15, 2006 proposed reply. I felt Supervisor Ashley was sincerely interested and that he understood my May 15, 2005, Declaration/proposed reply. I felt better that he was getting involved. However, when I was so surprised to receive the May 2006 Notice of Abandonment, I called him to learn that he was also surprised the notice was issued, and that he had also been transferred to a different art department. Monica Carter became Examiner Williams' Supervisor, and it was Supervisor Carter who stamped the May 2006 Notice of Abandonment. Today I called the USPTO and was told that nothing said verbally by the personal at the USPTO can be relied upon – i.e., that every important comment needs to be follow-up in writing.

Attached to the Notice of Abandonment was a statement by Examiner Williams to the effect that it was her opinion that there was no advancement in the art. This is in my opinion impossible because she has apparently not even searched some of the applications. Should some USPTO expert(s) in the correct art departments review my May 15, 2005 proposed reply, along with my, included-by-reference March 27 and March 30 proposed replies, I truly believe Examiner Williams statement was incorrect.

2. Another important issue is that it is likely that my application belonged in a different art unit and/or it has been examined and judged in the wrong art department (education). My application is a lot about telecommunications – more that education. For instance, my detailed description of Figure 5, mobile phone use on page 13 and 14, seems to belong to the telecommunications art unit (455). Being a layman and being this my first application, I had no clue of how important the correct art unit can be. Should my request be granted, I would ask that some USPTO expert discuss with me the possible transfer to a more appropriate art unit.

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Request/Petition to Withdraw Holding of Abandonment

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Art Unit: 3722

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3. Inexperienced layman applicants should be, in my opinion, matched with very experienced examiners. Should my request be granted, I request, in addition to being sure we have the most appropriate art unit that I am granted the privileged to work with a senior level examiner, who is not overloaded with other cases. I believe among the original ideals of the 1700's patent office were to give personalize help to laymen inventors. I have obtained a few patent grants beginning in 1975, with the help of patent attorneys who are now deceased or retired. Invariably, these attorneys would mention how very important the phone interviews and verbal discussions were with the examiners – the verbal give-and-take of arriving at grantable claims. I feel that I have been completely shorted in this area – I request another chance to allow the system work. I just hope to be granted a fair chance to salvage as much as possible from my creation. It is not enough for the UPSTO Web Site to talk of helping the small inventor.
4. Just as importantly, I contend that the application has not in fact been abandoned (at least not by me) as there is disagreement as to the sufficiency of the reply.

In summary: I contend the reply was sufficient to beat the single prior art reference cited by the examiner; I responded timely but there were long periods of no action on the part of the USPTO – this makes it very difficult for a layman inventor applicant; I was teamed with a junior examiner who seemed negative about the application and was too overworked to provide any assistance – refusing even to help with the construction of even one claim; The application may have been placed in the wrong art unit, i.e., Education versus Telecommunications (or?); I was unintentionally misled by the examiner that the ball-was-in-her-park and that I did not have to worry until I heard from her (which, I did not for one year); I was unintentionally miss-lead by a series of supervisors whom I told would assist, who were later transferred out of the current art unit.

Please approve this request, as I feel it unfair and inappropriate, under the circumstances, to require I file a fee-based petition for any type of revival. While I assume guilt for being an inexperienced inventor applicant, I pray, for at least the example of reasons given above, that the USPTO assumes part of the responsibility for this six-year journey.

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Request/Petition to Withdraw Holding of Abandonment

Application Number: 09/856,228

Applicant: Linden, Craig L.

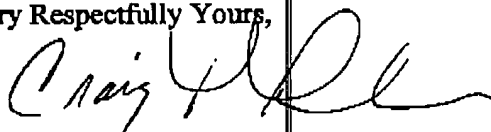
Examiner: Jamila O. Williams

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As an additional part of this Request to Withdraw the Holding of Abandonment, if granted, I would like to be granted the right to file a Request for Continued Examination and/or to file one or more Continuations-in-Part (if found appropriate). Please note that stated dates of actions and conversations are approximate, any details and exact dates, when available, will be submitted upon request.

Very Respectfully Yours,



Craig L. Linden  
Inventor and Applicant

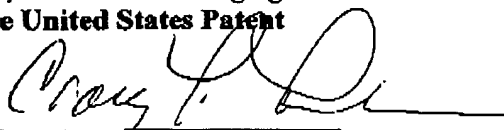
Attachment: Copy of Applicant's June 22, 2005 to Supervisor Derris Banks

**CERTIFICATE OF TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence with one cover page and one attachment (six pages total) was transmitted on July 19, 2006 and is being again transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date: July 19 and August 8, 2006

Signed

  
Craig L. Linden

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